

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201905644	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/16/2019 5:00 AM	Location of Incident: [REDACTED]	Precinct: 23	18 Mo. SOL 11/16/2020	EO SOL 7/3/2021	
Date/Time CV Reported Thu, 06/27/2019 12:49 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/27/2019 12:49 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Raymond Curbelo	29235	945636	GANG MN
2. An officer			
3. SGT Ian Scheinblum	05075	941140	NARCBMN
4. DT3 Pablo Taveras	5855	943862	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jose Genao	1713	948031	GANG MN
2. DT3 Daniel Madden	1328	950796	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.POM Raymond Curbelo	Abuse: Police Officer Raymond Curbelo entered § 87(2)(b) in Manhattan.	[REDACTED]
B. An officer	Force: An officer used a chokehold against § 87(2)(b)	[REDACTED]
C. An officer	Force: An officer restricted § 87(2)(b)'s breathing.	[REDACTED]
D.SGT Ian Scheinblum	Abuse: Sergeant Ian Scheinblum threatened to arrest § 87(2)(b)	[REDACTED]
E.SGT Ian Scheinblum	Abuse: Sergeant Ian Scheinblum refused to show the search warrant to § 87(2)(b)	[REDACTED]
F.SGT Ian Scheinblum	Abuse: Sergeant Ian Scheinblum refused to provide his shield number to § 87(2)(b)	[REDACTED]
G.DT3 Pablo Taveras	Abuse: Detective Pablo Taveras refused to provide his shield number to § 87(2)(b)	[REDACTED]
H.POM Raymond Curbelo	Abuse: Police Officer Raymond Curbelo searched § 87(2)(b) in Manhattan.	[REDACTED]

Case Summary

On Jun 27, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of herself and her son § 87(2)(b).

At approximately 5:00 a.m. on May 16, 2019, § 87(2)(b) and § 87(2)(b) were asleep at their home at § 87(2)(b) § 87(2)(b), in Manhattan. § 87(2)(b)'s girlfriend, § 87(2)(b) Olneida, was also there. Several officers, acting as part of a joint operation between the Manhattan North Gang Squad and Manhattan North Narcotics, forcibly entered the apartment (**Allegation A: Abuse of Authority – Entry of premises**, § 87(2)(g)). An officer entered § 87(2)(b)'s bedroom and allegedly placed a knee on his neck, which restricted his breathing (**Allegation B: Force – Chokehold**, § 87(2)(g); **Allegation C: Force – Restricted breathing**, § 87(2)(g)). The three civilians were then moved into the living room. There, Sergeant Ian Scheinblum allegedly threatened to arrest all three civilians (**Allegation D: Abuse of Authority – Threat of arrest**, § 87(2)(g)) and allegedly refused to show § 87(2)(b) a copy of their search warrant (**Allegation E: Abuse of Authority – Refusal to show search warrant**, § 87(2)(g)). Sergeant Scheinblum and Detective Pablo Taveras also allegedly refused to provide their shield numbers to § 87(2)(b) (**Allegations F and G: Abuse of Authority – Refusal to provide shield number**, § 87(2)(g)). The officers went on to search the apartment (**Allegation H: Abuse of Authority – Search of premises**, § 87(2)(g)). § 87(2)(b) was arrested and charged with § 87(2)(b), § 87(2)(a) 160.50 (Board Review #01).

No video footage was obtained from this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Raymond Curbelo entered § 87(2)(b) § 87(2)(b) in Manhattan.

Allegation (H) Abuse of Authority: Police Officer Raymond Curbelo searched § 87(2)(b) § 87(2)(b) in Manhattan.

§ 87(2)(b) was interviewed at the CCRB on July 1, 2019. § 87(2)(b) provided a telephone statement on July 18, 2019 (Board Review #02). § 87(2)(b) provided a telephone statement on September 3, 2019 (Board Review #03) and was interviewed at the CCRB on September 18, 2019.

It is undisputed that officers forcibly entered § 87(2)(b) § 87(2)(b), in Manhattan. The officers searched every room in the apartment, including the living room and both § 87(2)(b) § 87(2)(b) and § 87(2)(b)'s bedrooms. The officers arrested § 87(2)(b) charging him with § 87(2)(b), § 87(2)(a) 160.50 (Board Review #01).

Police Officer Curbelo stated that he obtained a search warrant for § 87(2)(b) § 87(2)(b) as part of an investigation by the Manhattan North Gang Squad into a gang assault. § 87(2)(b) was one of several suspects targeted in the operation. Police Officer Curbelo obtained search warrants for several of the suspects' residences, including § 87(2)(b)'s. These warrants were executed simultaneously on the morning of May 16, 2019. Police Officer Curbelo obtained and disseminated the warrants to different teams of plainclothes officers who then went on to execute them and apprehend their assigned targets. Police Officer Curbelo did not participate in the execution of the warrants and was not present at § 87(2)(b) § 87(2)(b).

On May 13, 2019, Police Officer Curbelo obtained a search warrant for § 87(2)(b) § 87(2)(b) (Board Review #04). The warrant identifies § 87(2)(b) as the target of an investigation into a

gang assault. The warrant states that Police Officer Curbelo has reason to believe that the apartment contains a scooter, an identification card belonging to a witness to the assault, electronic devices such as cell phones and computers, evidence of ownership and use of the apartment, clothing worn by § 87(2)(b) during the assault and containers used to store the above-listed items. The warrant permits officers to enter the apartment between 6:00 a.m. and 9:00 p.m. on a date before May 23, 2019 without giving advance notice.

Det. Genao, Det. Taveras, Det. Madden and Sgt. Scheinblum stated that they executed a search warrant at the apartment pursuant to a larger Gang Squad investigation. None of them were involved in the investigation prior to May 16, 2019 and had not participated in obtaining the warrant. Det. Genao stated that he searched the apartment and removed a cell phone and a PlayStation video game console from § 87(2)(b)'s bedroom.

An officer may enter and search a private residence provided that they obtain a lawful search warrant. The officers may only search the areas within the residence specified by the warrant. US v. Voustianiouk, 685 F.3d 2006 (2d. Cir., 2011) (Board Review #05).

§ 87(2)(g)

Allegation (B) Force: An officer used a chokehold against § 87(2)(b).
Allegation (C) Force: An officer restricted § 87(2)(b)'s breathing.

§ 87(2)(b) stated that he was asleep in his room with § 87(2)(b) when several officers knocked down his bedroom door and entered the room. The officers surrounded § 87(2)(b) on the bed and started to place him in handcuffs. § 87(2)(b) was face-down while the officers handcuffed him. He denied resisting the officers as they restrained him. § 87(2)(b) was next to him in the bed. While § 87(2)(b) lay face-down, one of the officers placed his knee on § 87(2)(b)'s upper spine, near his neck. The officer then pressed down with the knee, holding for about five to nine seconds. This action restricted § 87(2)(b)'s ability to breathe. § 87(2)(b) noted that he suffers from asthma, which further impaired his ability to breathe while he was held down. § 87(2)(b) described him as a black or dark-skinned male in his 20s.

§ 87(2)(b) stated that the officers immediately handcuffed § 87(2)(b) when they entered the room. She made no mention of officers using any physical force while restraining § 87(2)(b) including placing a knee on his back or taking any action to restrict his breathing. She described the officer who restrained § 87(2)(b) as a white male in his 20s or 30s. § 87(2)(b) was not in the bedroom at the time and did not see the officers handcuff him.

None of the officers interviewed recalled how § 87(2)(b) was taken into custody. They did not recall which specific officer handcuffed § 87(2)(b). They all denied that they or any other officer used physical force against § 87(2)(b) including placing a knee on his neck or taking any actions to restrict his breathing. They denied hearing § 87(2)(b) complain about having difficulty breathing.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (D) Abuse of Authority: Sergeant Ian Scheinblum threatened to arrest § 87(2)(b)

It is undisputed that after the officers entered the apartment and handcuffed § 87(2)(b) they moved the three civilians into the living room. § 87(2)(b) was eventually arrested. Neither § 87(2)(b) nor § 87(2)(b) was taken into custody.

§ 87(2)(b) stated that after the officers gathered the civilians in the living room, Sergeant Scheinblum asked him if he had any guns or drugs. § 87(2)(b) replied that he did not. Sergeant Scheinblum then told § 87(2)(b) that if he was lying, he would arrest § 87(2)(b)'s entire family.

§ 87(2)(b) and § 87(2)(b) both confirmed that they were taken into the living room with § 87(2)(b). § 87(2)(b) stated that Sergeant Scheinblum asked § 87(2)(b) about contraband inside the apartment. § 87(2)(b) told Sergeant Scheinblum that he was free to look. Sergeant Scheinblum threatened to bring dogs in to inspect the apartment. She made no mention, however, of Sergeant Scheinblum threatening to arrest anybody else. § 87(2)(b) made no mention of any conversation about contraband. She made no mention of an officer threatening to arrest anybody.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (E) Abuse of Authority: Sergeant Ian Scheinblum refused to show the search warrant to § 87(2)(b)

It is undisputed that after the officers entered the apartment and handcuffed § 87(2)(b) they moved the three civilians into the living room. § 87(2)(b) was eventually arrested. Neither § 87(2)(b) nor § 87(2)(b) was taken into custody.

§ 87(2)(b) stated that after the officers gathered the civilians in the living room, one of them (identified by the investigation as Sergeant Scheinblum) told her that they were executing a warrant. He did not specify what kind of warrant it was. The officer was holding a folder at the time. § 87(2)(b) asked to see what was inside of the folder and to see the officers' warrant. The officer opened the folder and started reading through its contents. The officer remarked that they "had a file on him." He did not explain who this comment referred to. He did not show the contents of the folder to § 87(2)(b) and did not state whether the warrant was contained somewhere in the folder. § 87(2)(b) then turned to another officer, identified by the investigation as Detective Taveras. This officer was carrying a ballistic shield. § 87(2)(b) asked the second officer, "Where is the warrant at?" The second officer ignored § 87(2)(b). None of the officers showed § 87(2)(b) a warrant at any time.

§ 87(2)(b) and § 87(2)(b) stated that after they were gathered in the living room, § 87(2)(b) asked Sergeant Scheinblum to see a copy of his warrant. § 87(2)(b) stated that Sergeant

Scheinblum replied, “We have a warrant, don’t worry.” He did not produce or show it to her. § 87(2)(b) made no mention of any folders in Sergeant Scheinblum’s possession. § 87(2)(b) stated that Sergeant Scheinblum was holding an envelope at the time, but he did not show it or any other documents to § 87(2)(b). Sergeant Scheinblum did not reply to § 87(2)(b)’s request. § 87(2)(b) repeated her request, but he walked away without saying anything in response. § 87(2)(b) and § 87(2)(b) made no mention of § 87(2)(b) asking any other officers to see the warrant.

Sergeant Scheinblum stated that he had a copy of the search warrant with him when the team entered § 87(2)(b). He received it at the tactical meeting held on the morning of the incident. He did not have any independent recollection of what happened while he and his team were inside the apartment. He did not recall if there were any civilians inside. He did not recall if he interacted with any civilians inside. He did not recall if any civilians asked him or any other officers to see a copy of the search warrant. He denied refusing to show it to any civilians himself. He was not aware of any other officers refusing to show a search warrant.

Detective Genao, Detective Taveras and Det. Madden denied that they were carrying copies of the warrant. None of them recalled any conversations that took place between officers or civilians inside the apartment. Detective Taveras and Detective Madden did not recall if there were civilians present during the search warrant execution. None of them recalled hearing a civilian ask to see a copy of the search warrant or an officer declining to show it to a civilian.

§ 87(2)(g)

Allegation (F) Abuse of Authority: Sergeant Ian Scheinblum refused to provide his shield number to § 87(2)(b)

Allegation (G) Abuse of Authority: Detective Pablo Taveras refused to provide his shield number to § 87(2)(b)

It is undisputed that after the officers seated the three civilians in the living room, they searched through the apartment. They eventually removed several of § 87(2)(b)’s belongings and took § 87(2)(b) into custody. § 87(2)(b) and § 87(2)(b) were not arrested.

§ 87(2)(b) stated that shortly before the officers escorted § 87(2)(b) out of the apartment, Sergeant Scheinblum told her his name. § 87(2)(b) did not recall what his name is. § 87(2)(b) asked both Sergeant Scheinblum and another officer (identified by the investigation as Detective Taveras), “Do you have badge numbers?” Both officers told § 87(2)(b) that they do not have badge numbers.

In his telephone statement, § 87(2)(b) stated that once he and the other civilians were gathered in the living room, § 87(2)(b) asked Sergeant Scheinblum for his name and shield number. He did not provide either piece of information, instead merely stating that he and the other officers with him were “detectives.” § 87(2)(b) did not ask any other officers for their names or shield numbers. In his CCRB statement, § 87(2)(b) stated that when § 87(2)(b) asked Sergeant Scheinblum for his name and shield number, he provided his name. § 87(2)(b) did not recall what the name was at the time of the interview. Sergeant Scheinblum then told § 87(2)(b) that he did not have a shield number because he was from a detective squad. § 87(2)(b) made no mention of § 87(2)(b) asking for any other officers’ information besides Sergeant Scheinblum.

§ 87(2)(b) stated that in past instances where the police have come to § 87(2)(b)'s apartment, § 87(2)(b) has made a point to ask at least one of them for their names. § 87(2)(b) did not recall if § 87(2)(b) asked any officers for their names during this incident but assumed that she did so out of habit. § 87(2)(b) was not aware of any officers providing their names. § 87(2)(b) made no mention of § 87(2)(b) requesting any officers' shield numbers.

Sergeant Scheinblum, Detective Genao, Detective Madden and Detective Taveras all stated that they entered the apartment. Of these officers, Detective Genao was the only one who recalled if there were any civilians. He did not recall if he had any direct conversations with the civilians while inside. None of the officers recalled hearing any civilians ask them or the other officers for their shield numbers. They denied refusing to provide their shield numbers to any civilians. None of them recalled hearing any other officers refuse to provide their shield numbers.

§ 87(2)(g)

Allegations Not Pleaded

- In his telephone statement, § 87(2)(b) stated that after he was taken to the living room, he asked several officers for their names and shield numbers. The blond officer who later failed to provide his shield number to § 87(2)(b) told him, "We don't go by badge numbers and I'm not giving you my name, we're detective squad." In his sworn statement, however, § 87(2)(b) only mentioned § 87(2)(b) requesting any of the officers' names or shield numbers. He did not allege that he asked any officers for their information, or that any officer refused to provide it to him. Therefore, separate refusal to provide name and refusal to provide shield number allegations have not been pleaded.

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- Police Officer Curbelo has been a member of the service for thirteen years and has been identified as a subject officer in six CCRB complaints and sixteen allegations, none of which were substantiated. § 87(2)(g)
- Sergeant Scheinblum has been a member of the service for fifteen years and has been identified as a subject officer in ten CCRB complaints and nineteen allegations, none of which were substantiated. § 87(2)(g)

- Detective Taveras has been a member of the service for fourteen years and has been identified as a subject officer in six CCRB complaints and eleven allegations, four of which were substantiated:

- 201506552 involved one allegation of frisk, two of search and one of stop, all of which were substantiated. The Board recommended, and the NYPD administered, command discipline.

- § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation.
- As of May 11, 2021, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the NYC Office of the Comptroller regarding this incident.
- § 87(2)(b)'s criminal case resulting from his arrest during this incident was dismissed (Board Review #08).
- According to OCA, § 87(2)(b) has no history of criminal convictions in New York City (Board Review #09).
- § 87(2)(b) [REDACTED]

Squad No.: 15

Investigator:	<u>Owen Godshall</u>	<u>Inv. Owen Godshall</u>	<u>5/25/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Simon Wang</u>	<u>IM Simon Wang</u>	<u>05/25/21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date